IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.808 OF 2007

Anil Rajendrasingh Khatri & Ors. .. Petitioners.
Vs.
The State of Maharashtra & Anr. .. Respondents.

Mr.M.K.Kocharekar for the petitioners.
Mr.Maheen Pradhan i/b Ms.Ameeta Kutti Krishnan for respondent no.2.
Mr.M.S.Mhamre APP for the State.

CORAM : SMT.RANJANA DESAI &
D.B.BHOSALE, JJ.
DATED : 3RD MAY, 2007.

P.C.:

. In this petition the petitioner has prayed that the proceedings in C.C.No.360/PW/2005 pending on the file of the Ld.Metropolitan Magistrate, 15th Court, Mazgaon, Mumbai arising out of C.R.No.170 of 2003 registered at Kalachowki police station, Mumbai be quashed and set aside. We have heard learned counsel for the petitioner and respondent no.2 and learned A.P.P. for the State.

2. The learned counsel for the petitioner and respondent no.2 state that the petitioner and respondent no.2 have amicably settled all the disputes. We are informed that the petition for divorce is filed in Rohtak, Haryana and it is kept for orders on 8th May, 2007. The consent terms duly signed by the petitioner and respondent no.2 and

their respective counsel are tendered in the Court. They are marked "X". The consent terms indicate that the parties have settled the dispute. We may quote the relevant term:

> "2. The Petitioners State that pending the criminal proceedings before the learned Trial Court, filed by the Respondent No.2, the Petitioners and Respondent No.2 have decided to settle the dispute amicably considering the future prospects of the Petitioner No.1 and Respondent No.2. Both the parties have preferred their matrimonial matter to the learned Family Court by way of filing Consent Divorce Petition and obtain requisite order of the learned Family Court."

3. In view of the settlement learned counsel state that the proceedings pending in the learned Magistrate's Court be quashed in the light of the judgment of the Supreme Court in **B.S.Joshi and Others Vs. State of Haryana (2003) 4 SCC 675**. We find substance in this submission. Hence the order:

. The proceedings in C.C.No.360/PW/2005 pending on the file of the Ld.Metropolitan Magistrate, 15th Court, Mazgaon, Mumbai arising out of C.R.No.170 of 2003 registered at Kalachowki police station, Mumbai are quashed and set aside. The petition is disposed of.

(SMT.RANJANA DESAI, J.)

(D.B.BHOSALE, J.)